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Via Email Only (jack.smith@nelsonmullins.com)

Jack Smith

Nelson Mullins Riley & Scarborough LLP

RE: PSC Docket No. 2018-364-WS, Complainants' Responses to Discovery

Dear Jack:

We have reviewed the Complainants' Responses to DIUC's First Discovery Requests to Complainants (identical responses by Halwigs and responses by Noller, collectively "the Responses").

The Responses to Interrogatory #4 state, "Complainants refer to and incorporate herein the list of documentation identified in the Statement of Facts/Timeline." A copy of the Statement of Facts/Timeline was not included. Please provide a copy of the same.

The Responses also state, "Complainants are not producing any privileged documentation but have attached a privilege log describing all withheld documentation." Along with the Responses Complainants produced a 55-page document labelled "Privilege Log." However, the Privilege Log fails to comply with the requirements of the South Carolina Rule of Civil Procedure 26 which states that:

When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing the information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

Rule 26(b)(5)(A), SCRCF. The Privilege Log provided fails to provide enough information to enable other parties to assess the applicability of the privileges and/or protections asserted. Specifically, there is no identification of the subject matter of any of the documents withheld; simply identifying an attorney was included on an email is not sufficient under the Rules.

Please consider this my attempt to meet and confer as required by the Rules and supplement the Privilege Log by close of business January 23, 2019, so we do not have to file a Motion to Compel on the following day.

Sincerely,

/s/

Thomas P. Gressette, Jr.